

1 remodeling, repair, and demolition of utilities, structures,
2 and roads provided the uncontaminated soil is not commingled
3 with any general construction or demolition debris or other
4 waste.

5 (b) "Clean construction or demolition debris" means
6 uncontaminated broken concrete without protruding metal bars,
7 bricks, rock, stone, reclaimed asphalt pavement, or soil
8 generated from construction or demolition activities.

9 Clean construction or demolition debris does not include
10 uncontaminated soil generated during construction,
11 remodeling, repair, and demolition of utilities, structures,
12 and roads provided the uncontaminated soil is not commingled
13 with any clean construction or demolition debris or other
14 waste.

15 To the extent allowed by federal law, clean construction
16 or demolition debris shall not be considered "waste" if it is
17 (i) used as fill material below grade outside of a setback
18 zone if covered by sufficient uncontaminated soil to support
19 vegetation within 30 days of the completion of filling or if
20 covered by a road or structure, ~~or~~ (ii) separated or
21 processed and returned to the economic mainstream in the form
22 of raw materials or products, if it is not speculatively
23 accumulated and, if used as a fill material, it is used in
24 accordance with item (i), ~~or~~ (iii) solely broken concrete
25 without protruding metal bars used for erosion control, ~~or~~
26 (iv) generated from the construction or demolition of a
27 building, road, or other structure and used to construct, on
28 the site where the construction or demolition has taken
29 place, an above-grade area shaped so as to blend into an
30 extension of the surrounding topography or an above-grade
31 manmade functional structure not to exceed 20 feet in height,
32 provided that the area or structure shall be covered with
33 sufficient soil materials to sustain vegetation or by a road
34 or structure, and further provided that no such area or

1 structure shall be constructed within a home rule
2 municipality with a population over 500,000, or (v) used to
3 construct a recreation facility at a site located within an
4 Enterprise Zone, as certified by the Department of Commerce
5 and Community Affairs, pursuant to a permit issued by a
6 municipality with an equalized assessed valuation of less
7 than \$15,000,000.

8 (Source: P.A. 91-909, eff. 7-7-00; 92-574, eff. 6-26-02.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."